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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/311,557 05/14/99 ALAIA

M 046700-5004-

009629
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WASHINGTON DC 20036-5869

LM01/0911

EXAMINER

PATEL, J

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

09/11/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/311,557

Applicant(s)

Alaila et al.

Examiner
Jagdish Patel

Group Art Unit
2765



☒ Responsive to communication(s) filed on Jun 29, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 9-33 and 89-176 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 9-33 and 89-138 is/are allowed.

☒ Claim(s) 139-141 and 158-160 is/are rejected.

☒ Claim(s) 142-157 and 161-176 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. This communication is in response to the amendment filed and 6/29/00.

Response to Amendment

2. Claims 9,13,24,89, 93,97,108,119 and 129 have been amended per request.
3. Claims 9-33 and 89-176 are pending and have been examined.
4. In view of the amendment, 35 U.S.C. 112 rejection of claims 9-33 and 89-138 have been withdrawn.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 139-141 and 158-160 are rejected under 35 U.S.C. 102(b) as being anticipated by Sairamesh et al ("Economic Framework for pricing and Charging Digital Libraries", D-Lib Magazine, February 1996).

Claim 139: Sairamesh discloses a method to control overtime in an electronic auction (refer to page 5 para #3) comprising:

a) defining a first time interval (as an example 6:00 A.M. - 4:00 P.M.) , a second time interval (as an example 4:00 P.M. - 10:00 P.M.), a first overtime condition (market behavior) and

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a first closing time for a first lot (first lot is services offered in the first time interval having a first closing time of 4:00 P.M. in the example).

b) determining whether the first overtime condition occurs during the first time interval (demand profile and market behavior indicate overtime condition which warrants extension of the first time interval for example to 5:00 P.M.).

c) extending the first closing time using the second time interval in accordance with said determination (the time intervals are based on market behavior, extending the closing time of the first time interval (from 4:00 P.M. to 5:00 P.M.) is performed using the second time interval which starts at 4:00 P.M.

Regarding claims 140 and 141: It is inherent that the time intervals may be equal or different depending on the dynamics of the extension of the first and/or second time interval(s).

Claims 158-160 are similarly analyzed as claims 139-141 respectively.

Allowable Subject Matter

7. Claims 9-33 and 89-138 are allowed.
8. Claims 142-157 and 161-176 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art Cited

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tod Swann, can be reached at (703) 308-7791.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5397.

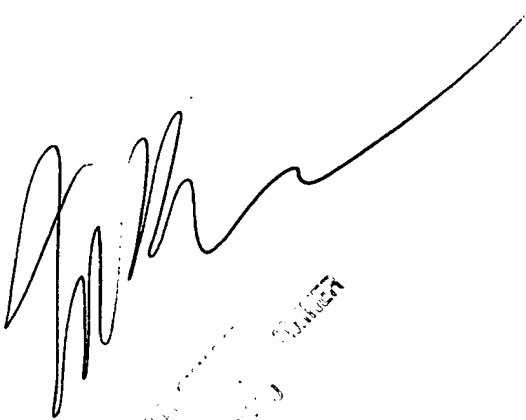
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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

JNP 9/5/00



Handwritten signature of J. N. P.

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